

Remarks

Upon entry of this amendment, claims 1-8, 14, and new claim 26 will be pending in the application. Claims 9-13 and 15-25 are withdrawn.

Claim 1 has been amended to further recite that the invention is directed to an aluminum rear case assembly for a tractor trailer body. Support for this amendment is found in Applicants' figures and in paragraphs [0002], [0003], and [0007].

Claim 26, which recites that the trailer is used with motor vehicles, has been added. Support for new claim 26 is found in Applicant's figures and paragraph [0006]. Since there is support for the amendment in the figures, no issue of new matter is presented.

Summary of Rejections and Objections

Claims 1-8 and 14 are rejected under 35 USC 103(a) as being unpatentable over Pringnitz (US 6,796,603) in view of Hänni et al (US 5,287,819) and Taul (US 4,136,985).

Rejection of Claims 1-8 and 14 under 35 USC § 103(a)

In paragraph 2 of the office action, the Examiner has rejected claims 1-8 and 14 as being unpatentable over the Pringnitz '603 patent in view of the Hänni '819 patent and the Taul '985 patent. Specifically the Examiner argues that Pringnitz discloses the invention as claimed, Hänni '819 discloses extruded aluminum rails, and that Taul discloses a pair of reinforcing plates. Therefore, the Examiner argues that it would have

been obvious to one having ordinary skill in the art of the time of the invention was made to modify the invention as disclosed by Pringnitz to include extruded aluminum rails as disclosed by Hänni and a pair of reinforcing plates as disclosed by Taul in order to optimize the weight and strength of the frame for better fuel efficiency. Claims 2, 5, 7 and 14 depend from claim 1. Claims 3-4 depend from claim 2, claim 6 depends from claim 5, and claim 8 depends from claim 7.

Applicants respectfully disagree. The Pringnitz '603 patent is directed solely towards latches for roll up type truck cargo doors. Specifically, the Pringnitz patent is directed towards a cam type door latch having an adjustable latch assembly to adjust the closing force of the door (column 1, lines 12-16). Because the Pringnitz '603 patent is directed only towards adjustable door latches, one having ordinary skill in the art would not combine this reference with the Hänni '813 patent because there would be no need to utilize extruded aluminum rails in the Pringnitz since that patent is directed solely towards door latches. The novel aspect of the Pringnitz '603 patent is an improved adjustable door latch for truck cargo doors that is designed to overcome gasket wear that can lead to the door or mounting hardware becoming loose which can then lead to the door not being able to be drawn downward against the frame (see column 1, lines 36-42). Pringnitz is not concerned with optimizing the weight and strength of the trailer frame to improve fuel efficiency. Additionally, the only reference to the frame (14) in Pringnitz is in FIG. 1 and in column 3, lines 24-39. Neither FIG. 1 nor lines 24-39 suggest, disclose, teach, or depict the top, side, and bottom rails as being connected by mechanical fasteners

or welds. Finally, one having ordinary skill in the art would not combine the frame that is disclosed in the Pringnitz '603 patent with the extruded aluminum rails that are disclosed in the Hänni '819 patent because of the common belief in the art that aluminum can not be substituted for steel due to strength issues.

The Hänni '813 patent relates to coach body construction for rail vehicles not commercial truck trailers. Amended claim 1 recites that the invention is directed towards An aluminum rear case assembly for a **tractor trailer** body. In other words, Applicants' invention is **being used with trucks**, not rail vehicles. This is emphasized in new claim 26 which recites that the trailer is used in connection with **motor vehicles**. Therefore, Hänni is non-analogous art and one having ordinary skill in the art would not combine the Pringnitz '603 patent with the Hänni '813 patent since Hänni is directed toward coach body construction for rail vehicles while Pringnitz is directed towards latches for roll up body construction for truck cargo doors used with commercial trucks. Finally, both the Hänni '813 and the Pringnitz '603 patents disclose using mechanical fasteners to assemble their respective structures. In contrast, Applicants' invention can utilize welds to assemble the rear case assembly. Accordingly, Applicants respectfully submit that claims 1-8 and 14 are patentable.

In the event that any outstanding matters remain with this application, the Examiner is invited to telephone the undersigned at 724-337-1221 to discuss such matters. If the Examiner would like to suggest changes of a formal nature to place this

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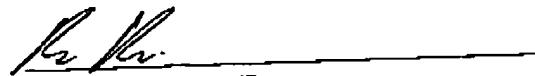
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application in better condition for allowance, a telephone call to Applicants' undersigned attorney would be appreciated.

Respectfully submitted,



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